AN ACT

1652

FOR THE

SETLING

OF

IRELAND.

Thurſday, 12th Auguſt, 1652.

ORdered by the Parliament, That this Act be forthwith Printed and Publiſhed.

Hen: Scobell, Cleric. Parliamenti.

Printed at *Waterford*, by *Peter de Pienne*, 1652.

NATIONAL
LIBRARY OF
IRELAND

AN ACT FOR THE SETLING OF IRELAND.

NATIONAL LIBRARY OF IRELAND

WHereas the Parliament of *England*, after the expence of much Blood and Treasure for suppression of the Horrid Rebellion in *Ireland*, Have by the good Hand of God upon their undertakings, brought that Affair to such an Issue, as that a totall Reducement and Settlement of that Nation may, with Gods blessing, be speedily effected: To the end therefore that the People of that Nation may know that it is not the intention of the Parliament to extirpate that whole Nation, but that Mercy and Pardon, both as to Life and Estate, may be extended to all Husbandmen, Plowmen, Labourers, Artificers, and others of the Interior sort, in maner as is hereafter Declared; They submitting themselves to the Parliament of the Commonwealth of *England*, and living peaceably and obediently under their Government: And that others also of higher Rank and Quality may know the Parliaments intention concerning them,

them, according to the respective Demerits and Considerations under which they fall; Be it Enacted and Declared by this present Parliament, and by the Authority of the same, That all and every person and persons of the *Irish* Nation, comprehended in any of the following Qualifications, shall be lyable unto the Penalties and Forfeitures therein mentioned and contained; or be made capable of the Mercy & Pardon therein extended respectively, according as is hereafter expressed and declared; That is to say,

I.

THat all and every person and persons, who at any time before the Tenth day of *November*, One thousand six hundred forty two (being the time of the sitting of the first Generall Assembly at *Kilkenny* in *Ireland*) Have Contrived, Advised, Councelled, Promoted or Acted, the Rebellion, Murthers or Massacres done or committed in *Ireland*, which began in the year One thousand six hundred forty one; or have at any time before the said Tenth day of *November*, One thousand six hundred forty two, by bearing Arms, or contributing Men, Arms, Horse, Plate, Money, Victuall, or other Furniture or Habilliments of War (other then such which they shall make to appear to have been taken from them by meer force and violence) ayded, assisted, promoted, acted, prosecuted or abetted the said Rebellion, Murthers or Massacres, be excepted from Pardon of Life and Estate.

II.

That all and every Jesuit, Priest, and other person

or

or persons who have received Orders from the Pope or Sea of *Rome*, or any Authority derived from the same, that have any ways contrived, adviſed, councelled, promoted, continued, countenanced, ayded, aſſiſted or abetted, or at any time hereafter ſhall any ways contrive, adviſe, councell, promote, continue, countenance, ayd, aſſiſt or abet the Rebellion or War in *Ireland*, or any the Murthers or Maſſacres, Robberies or Violencies committed againſt the Proteſtants Engliſh or other there, be Excepted from Pardon for life and Eſtate.

III.

That *James Butler* Earl of *Ormond*, *James Touchet* Earl of *Caſtlehaven*, *Ullick Bourk* Earl of *Clanrickard*, *Chriſtopher Plunket* Earle of *Fingal*, *James Dillon* Earl of *Roſcomon*, *Richard Nugent* Earl of *weſtmeath*, *Morrogh O Brien* Baron of *Inchiquin*, *Donogh Mac Carthy* Viſcount *Muskery*, *Theobald Taaff* Viſcount *Taaff* of *Corren*, *Richard Butler* Viſcount *Mountgarret*, *Roch* Viſcount *Fermoy*, *Montgomery* Viſcount *Montgomery* of *Ards*, *Magennis* Viſcount of *Iveah*, *Fleming* Baron of *Slane*, *Dempſey* Viſcount of *Glanmaleer*, *Bermingham* Baron of *Athenry*, *Oliver Plunket* Baron of *Lowth*, *Robert Barnwal* Baron of *Trymletſtown*, *Miles Bourk* Viſcount *Mayo*, *Connor Maguire* Baron of *Eniskellen*, *Nicholas Preſton* Viſcount *Gormanſtown*, *Nicholas Netterwil* Viſcount *Netterwil* of *Dowth*, *John Bramhal* late Biſhop of *Derry*, *James Cuſack* Eſquir, *Thomas Tyrel* Eſq; *Peter Clinton* Eſquir, Sir *Phelim O Neil* Knight, Sir *George Monroe* Knight, Sir *James Montgomery* Knight, Sir *Robert Stewart* Knight, Sir *Con Magennis* of the County of *Down* Knight, Sir *Luke Fitz-Gerald* of *Tecroghan* Knight, Sir *Richard Barnwal* of *Crickſtown* Knight, Sir

John

John Nettervil Knight, Sir *Thomas Esmond* of the County of *wexford* Knight, Sir *John Magragh* of the County of *Tipperary*, Sir *Theobald Bourk* son of the Viscount *Mayo*, Colonell *Thomas Preston*, *Hugh Buy O Neil*, *Luke Taaff* Brother to the Viscount *Taaff*, *Geoffry Brown* Esq; *Geoffry Baron* Esq; *Patrick Darcy* Esq; *Nicholas Plunket* Esq; *Fennel* Doctor of Physick, *Hugh Mac Phelim Birn* of the County of *Wicklow*, *Florence Fitz Patrick* of the Queens County Esq; Colonel *John Fitz Patrick* son of *Florence*, *Roger Moor* of *Ballyna* in the County of *Kildare*, *Tirlogh Roe O Neil* Brother to Sir *Phelim O Neil*, *Mulmurry Mac Swyne*, *Donnel Oge Magennis*, *John Mortimer*, *Rory Magwyre* of the County of *Fermanagh*, *Rory Mac Brien Oge Magennis*, *Even Magennis* of *Castle-vellan*, *Edmund Buy Magennis*, *Shane Mac Brien O Neil*, *Tirlogh Magragh* son of *James Magragh*, *Tirlogh mac Caffry O Donnel*, *Brien Modder O Quynne*, *Brien O Mulcrevy*, *Patrick Groom O Mulcrevy*, *Tirlogh Groom O Quynne of Monagowre* in the County of *Tyrone*, Colonel *Manus Roe O Cahan*, *Toole mac Macan*, *walter Bagnal* Esq; *Edmund Bourk* of *Cloghan* in the County of *Mayo*, *Pursel* of *Tipperary* Baron of *Loghmo*, *Thomas Cantwel* of *Cantwels-Court* in the county of *Kilkenny*, *Edward Hussey* of *Moyl Hussey* in the County of *Meath*, *Hugh Hussey* of *Galtrym*, *John Bellew* of *Willystown* in the county of *Lowth* Esq; *Philip mac Hugh O Reyly* of the county of *Cavan*, *Mulmurry O Reyly* of the county of *Cavan*, Colonel *Mac Brien mac Mahown* of the county of *Monaghan*, *Lysagh Moor* brother to *Roger Moor* before-mentioned, *Neil Mac Kenna* of the *Trough* in the County of *Monaghan*, *Richard Belling* Esquire, son to sir *Henry Belling* Knight; *Laurence Dowdal* of *Athlumney* Esquire, Captain *Arthur Fox* of *Crumlin* in the county of *Dublin*, *Brien Mac Phelim Birn* of the county of *Wicklow*, Colonel *Luke*

Tool

Tool of *Caſtle-kevin* in the county of *wicklow*; *Iohn Crean* of *Sligo*, *Anthony Brabazon* of *Ballinſloe* in the county of *Roſcomon*, *Piers Fitz Gerard* of *Balliſonan*, commonly called *Mac Thomas*, *Lyſagh Demſey* of the Kings county Eſquire, *Charls O Conner Dun* of *Ballintober* in the county of *Roſcomon* Eſquire, *Dermot O Brien* of the county of *Clare*, *Richard Grace Mac Iaſper* of the *Kings* County, *Philip O Dwyre* of the county of *Tipperary*, *Owney O Dwyre* of the county of *Tipperary*, *Murtagh O Brian* of *Annagh* in the ſaid county, *Iohn O Kennedy* of *Donnally* in the ſaid county, *Murrogh ne Mart O Flagherty* of the county of *Gallowey*, *Teige O Flagherty* of the ſaid county, *Teige O Connor Roe* of the county of *Roſcomon*, *Teige O Connor Sligo* of *Sligo*, *Redmond Bourk Kilcernan* in the county of *Gallowey*, *Thomas Bourk* of *Anbally* in the county of *Gallowey*, *Iohn Brown* of the *Neal* in the county of *Mayo*, *Charls O Connor* and *Hugh O Connor*, brothers of *Teige O Connor Sligo*; *Iames Dillon* brother to the Viſcount *Dillon* of *Coſtillogh*, *Touchet* brother to the Earl of *Caſtlehaven*, be excepted from pardon for Life and Eſtate.

IV.

That all and every perſon and perſons (both Principals and Acceſſaries) who ſince the Firſt day of *October*, One thouſand ſix hundred forty one, have or ſhall kill, ſlay, or otherwiſe deſtroy any perſon or perſons in *Ireland*, which at the time of their being ſo killed, ſlain or deſtroyed, were not publiquely entertained & maintained in Arms as Officers or private ſouldiers, for and on behalf of the Engliſh againſt the Iriſh; And all and every perſon and perſons (both Principals and Acceſſaries) who ſince the firſt day of *October*, One thouſand ſix hundred forty one, have killed, ſlain, or otherwiſe deſtroyed

deſtroyed any perſon or perſons entertained and maintained as Officers or private ſouldiers, for and on the behalf of the Engliſh againſt the Iriſh (the ſaid perſons ſo killing, ſlaying, or otherwiſe deſtroying, not being then publiquely entertained and maintained in Arms as Officer or private ſouldier under the Command and Pay of the Iriſh againſt the Engliſh) be excepted from pardon for Life and Eſtate.

V.

That all and every perſon and perſons in *Ireland*, that are in Arms or otherwiſe in Hoſtility againſt the Parliament of the Commonwealth of *England*, and ſhall not within Eight and twenty dayes after Publication hereof by the Commiſſioners for the Parliament, or Commander in Chief, lay down Arms and ſubmit to the Power and Authority of the ſaid Parliament and Commonwealth, as the ſame is now eſtabliſhed, be excepted from pardon for Life and Eſtate.

VI.

That all other perſon and perſons (not being comprehended in any of the former Qualifications) who have born command in the War of *Ireland* againſt the Parliament of *England*, or their Forces, as Generall, Lieutenant General, Major General, Commiſſary General, Colonel, Governor of any Gariſon, Caſtle or Fort, who have been imployed as Receiver-General or Treaſurer of the whole Nation or any Province thereof, Commiſſary-General of Muſters or Proviſions; Marſhal-General, or Marſhal of any Province, Advocate of the Army, or Secretary to the Councel of War, or to any General of the Army, or of any the ſeveral Provinces,

Provinces, in order to the carrying on the War againſt the Parliament or their Forces, be baniſhed during the pleaſure of the Parliament of the Commonwealth of *England*, and their Eſtates forfeited and diſpoſed of as followeth, *viz.* That two third parts of their reſpective Eſtates be had, taken, and diſpoſed of for the Uſe and Benefit of the ſaid Commonwealth; And that the other third part of their ſaid reſpective eſtates or other lands, to the proportion and value thereof (to be aſſigned in ſuch places in *Ireland*, as the Parliament, in order to the more effectuall ſettlement of the peace of this Nation ſhall think fit to appoint for that purpoſe) be reſpectively had, taken and enjoyed by the Wives and Children of the ſaid perſons reſpectively.

VII.

That the Commiſſioners of Parliament and Commander in Chief have power to declare, That ſuch perſon or perſons as they ſhall judge capable of the Parliaments mercy (not being comprehended in any of the former Qualifications) who have born Arms againſt the Parliament of *England* or their Forces, and have laid down Arms, or within Eight and twenty days after publication hereof by the Commiſſioners for the Parliament, and the Commander in Chief, ſhall lay down Arms and ſubmit to the Power and Authority of the ſaid Parliament and Commonwealth, as the ſame is now eſtabliſhed (by promiſing and ingaging to be true to the ſame) ſhall be pardoned for their Lives, but ſhall forfeit their Eſtates to the ſaid Commonwealth, to be diſpoſed of as followeth, (*viz.*) Two third parts thereof (in three equall parts to be divided) for the Uſe, Benefit and Advantage of the ſaid Commonwealth, and the other third part of the ſaid reſpe-

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ctive Estates or other Lands, to the proportion or value thereof (to be assigned in such places in *Ireland*, as the Parliament, in order to the more effectual Settlement of the peace of that Nation shall think fit to appoint for that purpose) be enjoyed by the said persons, their Heirs or Assigns respectively. Provided, That in case the Commissioners and Commander in Chief, or either of them shall see cause to give any shorter time then Twenty eight days, unto any person or persons in Arms, or in any Garison Castle or Fort in Hostility against the Parliament, and shall give notice to such person or persons in Arms, or in any Garison, Castle or Fort, That all and every such person and persons who shall not within such time as shall be set down in such notice, surrender such Garison, Castle or Fort to the power of the Parliament, & lay down Arms, shall have no advantage of the Time formerly limited in this Qualification.

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VIII. That all and every person and persons of the Popish Religion, who have resided in *Ireland* at any time from the Fist day of *October*, One thousand six hundred forty one, to the First of *March*, One thousand six hundred fifty, and have not manifested their constant good Affection to the Interest of the Commonwealth of *England* (the said persons not being comprehended in any of the former Qualifications) shall forfeit one third part of their Estates in *Ireland* to the said Commonwealth, to be disposed of for the Use, Benefit and Advantage of the said Commonwealth; and the other two third parts of their respective Estates or other Lands, to the proportion or value thereof, to be assigned in such place in *Ireland*, as the Parliament, for the more effectual settlement of the peace of that Nation, shall think

fit

fit to appoint for that purpose, be enjoyed by such person or persons, their Heirs or Assigns respectively: And that all other persons who have resided in *Ireland* within the time aforesaid, and have not been in actuall service for the Parliament, or otherwise manifested their good Affections to the Interest of the Parliament of *England*, having opportunity to do the same, shall forfeit one fifth part of their Estates to the Use of the said Commonwealth.

IX.

That all and every person and persons (having no reall Estate in *Ireland*, nor personal Estate to the value of Ten pounds) that shall lay down Arms and submit to the power and Authority of the Parliament by the time limited in the former Qualifications: and shall take and subscribe the Engagement, To be true and faithfull to the Commonwealth of *England*, as the same is now Established, within such time and in such maner, as the Commissioners for the Parliament, and Commander in Chief shall appoint and direct, such persons (not being Excepted from Pardon, nor adjudged for Banishment by any of the former Qualifications) shall be pardoned for Life and Estate for any act or thing by them done in prosecution of the War.

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X.

That all Estates Declared by the former Qualifications concerning Rebels or Delinquents in *Ireland* to be Forfeited, shall be construed, adjudged and taken, to all intents and purposes, to extend to the Forfeitures of all Estates Tail, and also of all Rights and Titles thereunto, which since the Five and twentieth of *March*, One thousand six hundred thirty nine, have

been or ſhall be in ſuch Rebels or Delinquents, or any other in truſt for them or any of them, or their or any of their uſes, with all Reverſions and Remainders thereupon, in any other perſon or perſons whatſoever: And alſo to the Forfeiture of all Eſtates limited, appointed, conveyed, ſetled or veſted in any perſon or perſons Declared by the ſaid Qualifications to be Rebells or Delinquents, with all Reverſions or Remainders of ſuch Eſtates conveyed, veſted, limited, declared or appointed to any the Heirs, Children or Iſſues of ſuch Rebell or Delinquent; which Eſtate or Eſtates, Remainders or Reverſions ſince the five and twentieth of *March*, One thouſand ſix hundred thirty nine, have been or ſhall be in ſuch Rebells or Delinquents, or in any their Heirs, Children or Iſſues of ſuch Rebells or Delinquents; and to all Eſtates granted, limitted, appointed or conveyed by any ſuch Rebells or Delinquents, unto any their Heirs, Children or Iſſue, with all the Reverſions and Remainders thereupon. Provided, That this ſhall not extend to make void the eſtates of any Engliſh Proteſtants, who have conſtantly adhered to the Parliament, which were by them purchaſed for valuable conſideration before the Three and twentieth of *October*, One thouſand ſix hundred forty one; or upon like valuable conſideration Mortgaged to them before that time, or to any perſon or perſons in truſt for them for ſatisfaction of Debts owing to them.

Provided, That if any perſon or perſons Excepted by name or otherwiſe, comprehended in theſe Qualifications, have been comprized within any Articles granted unto them, or agreed upon between them and any Commander of the Parliaments Forces thereto authorized; That ſuch perſon or perſons ſhall nevertheleſs enjoy the benefit of thoſe Articles, in caſe the Commiſſioners

Commiſſioners of Patliament in *Ireland* ſhall adjudge them to be comprized therein; and that they have obſerved and kept, and continue to obſerve and keep the Articles on their parts. And that nevertheleſs it ſhall be in the power of the Parliament, or their Commiſſioners, if they ſee cauſe, to Tranſplant ſuch perſons from the reſpective places of their uſuall Habitation or Reſidence, into ſuch other places within that Nation, as ſhall be judged moſt conſiſtent with publique Safety, allowing them ſuch proportion of Land or Eſtate in the parts to which they ſhall be Tranſplanted, as they had or ſhould have enjoyed of their own other where, in caſe they had not been ſo removed.

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Thurſday, 12th Auguſt, 1652.

Ordered by the Parliament, That this Act be forthwith Printed and Publiſhed.

Hen: Scobell, Cleric. Parliamenti.